

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

AMERICAN PATENTS LLC,

Plaintiff,

v.

EXTREME NETWORKS, INC.,

Defendant.

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CASE NO. 6:20-cv-00741-ADA

JURY TRIAL DEMANDED

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

TO THE HONORABLE UNITED STATES DISTRICT JUDGE ALAN D ALBRIGHT:

Pursuant to FED. R. CIV. P. 41(a)(1)(A)(ii), Plaintiff American Patents LLC (“American Patents”) and Defendant Extreme Networks, Inc. (“Extreme Networks”) (collectively, the “Parties”) hereby submit this Joint Stipulation of Dismissal with Prejudice and show the following:

On August 14, 2020, American Patents sued Extreme Networks for patent infringement in the United States District Court for the Western District of Texas, Waco Division. The Complaint premised that the Western District of Texas was a proper venue because it alleged Extreme Networks has a regular and established place of business in El Paso, Texas, and presented what it alleged to be a tax record for a building located in El Paso, Texas.

Extreme Networks denies that it has a regular and established place of business in the Western District of Texas, and asserts that the building referenced in the Complaint is owned by a third party, and that Extreme Networks’ tax payment is not related to real property and does not establish a regular and established place of business in this district.

Notwithstanding the Parties’ disagreement regarding venue, the Parties have decided to resolve their differences and have entered into a Settlement and License Agreement. As a consequence, the Parties hereby stipulate, subject to the approval of the Court that:

- all claims and causes of action asserted in this lawsuit are dismissed with prejudice to the re-filing of same; and
- each of the Parties agrees to bear its own respective costs and expenses in this action.

Dated: November 16, 2020.

Respectfully submitted,

By: /s/ Zachariah Harrington

By: /s/ Paige Arnette Amstutz

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on November 16, 2020, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

/s/ Paige Arnette Amstutz

Paige Arnette Amstutz